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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,682	03/21/2001	Yoshizou Honda	10830-057001	3457
26211	7590	02/04/2005	EXAMINER	
FISH & RICHARDSON P.C. CITIGROUP CENTER 52ND FLOOR 153 EAST 53RD STREET NEW YORK, NY 10022-4611			AZARIAN, SEYED H	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,682

Applicant(s)

HONDA, YOSHIZOU

Examiner

Seyed Azarian

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Applicant's arguments, filed 8/16/2004, see page 2 through 5, with respect to the rejection of claims 1-4 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mutashita et al (U.S. patent 5,485,213) and Wakamoto (U.S. 6,283,760).

2. Applicants' argues in essence regarding claim 1, that Sasaki does not teach "moving image code".

With respect to applicant, upon the further reviewing contrary to the applicants' assertion, Examiner would like to point out that Sasaki teaches a specific code through a fuzzy matching processing, and further retrieves and specifies ESC (escape code) and ESC (escape code) and EOB (end of block) similarly described with a specific code (column 17, lines 13-27). However, for this feature, "moving image code", the examiner using the new reference of Mutashita et al (U.S. patent 5,485,213), Fig. 23, in the moving image code data which is sent from a code output section (column 14, lines 23-35).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (U.S. patent 5,959,672) in view Mutashita et al (U.S. patent 5,485,213).

Regarding claim 1, Sasaki discloses a moving image reception quality evaluation apparatus for evaluating the quality of a moving image at the receiving time of a moving image receiver for receiving moving image code output from a moving image transmitter through a network, said apparatus comprising (column 2, lines 6-29, provide a picture signal encoding, which compresses a picture signal with a variable-length code to produce and transmit encoded bit stream data or “transmitting a motion picture” such as digital portable telephone);

a moving image decoder having an equivalent function to means for decoding the moving image that the moving image receiver has and detecting an anomaly of the moving image (column 4, lines 9-28, detect the area, the of the occurrence of motion vector being the attribute information designated in block);

and an image quality evaluation section adapted to analyze output of said moving image decoder and evaluate the image quality (column 10, lines 28-46, error evaluation means calculating the error value between color information data obtained by the decoding process and estimating color information of each blocks of pixel data decoded, also column 47, lines 21-36, reliability evaluation value is calculated);

Moving image receiver can be input from the moving image receiver to said moving image decoder (column 1, lines 7-16, the process of encoding an picture signal, and a picture signal decoding for receiving such an encoded bit stream to decode it into a picture signal).

However Sasaki does not explicitly state, “moving image code”.

On the other hand Mutashita, teaches the designation field is individually discriminated from the code amount of the encoded data on the decoding side. Therefore, as shown in Fig. 23, in the moving image code data which is sent from a code output section of encoder in Fig. 22, only the block information indicating whether the block is the effective block or the invalid block is included in (Fig. 22 and 23, column 14, lines 23-35).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sasaki's invention according to the teaching of Mutashita because it provides image data encoding and decoding method and apparatus for compressing and transferring images by a small code amount and for decoding a moving image of a high picture quality, which can easily be implemented in an moving image device such as digital still or video camera.

Regarding claim 2, Sasaki discloses a moving image reception quality evaluation apparatus for evaluating the quality of a moving image at the receiving time of a moving image receiver for receiving moving image code output from a moving image transmitter through a network, said apparatus comprising;

a moving image code reception section adapted to receive the same moving image code branched as the moving image code input to the moving image receiver just before the moving image receiver receives the moving image code (see claim 1, and column 2, lines 6-18, motion picture through extremely low rate transmission systems such as digital portable telephone system (network);

a moving image decoder having an equivalent function to means for decoding the moving image code that the moving image receiver has and detecting an anomaly of the moving image

Art Unit: 2625

code; and an image quality evaluation section adapted to analyze the output of said moving image decoder and evaluating the image quality (column 17, line 60 through column 18, line 10, error correction and outputs the motion vector data estimation).

Claim 4, is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (U.S. patent 5,959,672) in view Mutashita et al (U.S. patent 5,485,213) as applied to claims above and further in view of Wakamoto (U.S. 6,283,760).

Regarding claim 4, neither Sasaki nor Mutashita explicitly state, "moving image receiver emulator section for emulating functions".

On the other hand Wakamoto in same field of video camera moving images is designated on the bases of picture content as illustrated in Gig. 11, if correction is found to be required, it is implemented, and thus data is perfected, which can actually be stored on the DVD. This is then changed into data format for recording, after which it is put on an emulator and connected to a normal television receiver (column 18, lines 28-46).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sasaki and Mutashita, s invention according to the teaching of Wakamoto because it provides format which enable the user evaluate and pronunciation effectively by using storage media which permit the recording of images without any modification.

Regarding claim 3, it recites similar limitation as claim 1 is similarly analyzed.

Other prior art cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent (5,940,769) to Nakajima et al is cited for radio communication system having re-send control method.

U.S. patent (5,537,155) to O,Connell et al is cited for method for estimating motion in a video sequence.

U.S. patent (5,794,164) to Beckert et al is cited for vehicle computer system.

U.S. patent (6,035,212) to Rostoker et al is cited for multi-frequency wireless communication device.

U.S. patent (6,377,818) to Irube et al is cited for communication terminal apparatus.

U.S. patent (6,400,887) to Takano et al is cited for portable av editing apparatus.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian
Patent Examiner
Group Art Unit 2625
February 2, 2005

A handwritten signature in cursive script, appearing to read "Seyed Azarian".